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**SEP 22 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Gregory B. THAGARD, et al	:	
Application No. 09/300,042	:	ON PETITION
Filed: April 27, 1999	:	
Attorney Docket No. 3054/8	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 17, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1540; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2629 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read "Thurman Page", with a stylized flourish extending to the left.

Thurman Page  
Petitions Examiner  
Office of Petitions

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**RAM** Fee History  
Query  
Revenue Accounting and Management

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Name/Number: 09300042

Total Records Found: 27

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/20/2008	00011452	4	<u>1453</u>	\$1,540.00	05/20/2008	ET
05/20/2008	00011453	4	<u>1801</u>	\$810.00	05/20/2008	ET
11/16/2007	00012422	4	<u>1202</u>	\$250.00	11/16/2007	ET
06/11/2007	00000105	1	<u>1252</u>	\$450.00	06/11/2007	CK
01/25/2005	00000063	1	<u>1252</u>	\$450.00	01/24/2005	CK
01/25/2005	00000064	1	<u>1402</u>	\$500.00	01/24/2005	CK
09/27/2004	00000078	1	<u>1401</u>	\$330.00	09/24/2004	CC
09/27/2004	00000079	1	<u>1253</u>	\$950.00	09/24/2004	CC
02/13/2004	00000001	1	<u>1254</u>	\$1,480.00	01/12/2004	DA 071730
01/13/2004	00000032	1	<u>1453</u>	\$1,330.00	01/12/2004	CC
06/10/2003	00000212	1	<u>1801</u>	\$750.00	06/09/2003	CK
06/10/2003	00000213	1	<u>1251</u>	\$110.00	06/09/2003	CK
03/20/2003	00000165	1	<u>1252</u>	\$410.00	03/17/2003	CK
03/13/2003	00000076	1	<u>1401</u>	\$320.00	03/11/2003	CK
07/12/2002	00000095	1	<u>115</u>	\$110.00	07/08/2002	CK
01/03/2002	00000038	1	<u>115</u>	\$110.00	12/31/2001	CK
05/02/2001	00000008	1	<u>131</u>	\$710.00	04/27/2001	CK
05/02/2001	00000010	1	<u>102</u>	\$240.00	04/27/2001	CK
05/02/2001	00000009	1	<u>103</u>	\$270.00	04/27/2001	CK
03/08/2001	00000115	1	<u>119</u>	\$310.00	03/06/2001	CK
03/08/2001	00000116	1	<u>115</u>	\$110.00	03/06/2001	CK
08/18/2000	00000146	1	<u>103</u>	\$18.00	08/17/2000	CK
07/06/2000	00000059	1	<u>566</u>	\$15.00	07/05/2000	CK
05/05/1999	00000143	1	<u>101</u>	\$760.00	04/27/1999	CK
05/05/1999	00000144	1	<u>103</u>	\$23.00	04/27/1999	DA 071730
05/05/1999	00000145	1	<u>103</u>	\$139.00	04/27/1999	CK
05/05/1999	00000146	1	<u>581</u>	\$40.00	04/27/1999	DA 071730

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

3054/8

First named inventor: Gregory B. Thagard

Application No.: 09/300,042

Art Unit: 2629

Filed: April 27, 1999

Examiner: BODDIE, WILLIAM

Title: CLOTHING WITH IMAGE DISPLAY

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,540 (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of Request for Continued Examination (RCE) under 37 CFR 1.114 (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

**B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.**

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

05.20.2008  
Date

Tiberiu Weisz, Esq.

29,876

Typed or printed name

Registration Number, if applicable

270 Medison Avenue, New York, New York 10016-0601

(212) 684-3900

## Address

Telephone Number

Address

Enclosures: ☒ Fee Payment

☒ Reply☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Amendments filed with RCE: RCE FEE

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date \_\_\_\_\_

**Signature**

Typed or printed name of person signing certificate

# **REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL** **(Submitted Only via EFS-Web)**

Application Number	09/300,042	Filing Date	1999-04-27	Docket Number (if applicable)	3054/8	Art Unit	2629
First Named Inventor	THAGARD, Gregory B.			Examiner Name	BODDIE, William		

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

## **SUBMISSION REQUIRED UNDER 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

☐ Other \_\_\_\_\_

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☒ Other

Petition for Revival under 37 CFR 1.137(b)

## **MISCELLANEOUS**

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months \_\_\_\_\_  
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other \_\_\_\_\_

## **FEES**

**The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to  
Deposit Account No 071730

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

☒ Patent Practitioner Signature

☐ Applicant Signature